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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DAVID BURNS,

Plaintiff,

vs.

RUIZ, et al.

Defendants.

Case No. 3:20-cv-00032-MMD-CSD

**ORDER GRANTING  
MOTION FOR EXTENSION OF  
TIME TO RESPOND TO  
PLAINTIFF'S OPPOSITION TO  
MOTION FOR SUMMARY  
JUDGMENT  
(ECF No. 53)  
(First Request)**

Defendant, Richard Wulff, M.D., by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby moves this Court for an extension of time to file his reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment. (ECF No. 53). This Motion is made and based upon the attached Points and Authorities, the papers and pleadings on file, herein, and such other and further information as this Court may deem appropriate.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT**

This is a *pro se* prisoner civil rights action brought by David Burns, (Burns), asserting claims arising under 42 U.S.C. § 1983. Plaintiff alleges an Eighth Amendment claim for deliberate indifference to serious medical needs.

In his First Amended Complaint (FAC), Burns sued multiple Defendants for events that allegedly took place while he was incarcerated at High Desert State Prison ("HDSP"). (ECF No. 7-1 at

1.) Burns sued Defendants Charge Nurse Jones, Dr. Wolff (Wulff), and Nurse John Doe #1. (Id. at 2.)

2 Burns brings one claim and seeks monetary relief. (Id. at 3, 5.)

3 On screening, the Court allowed Burns to proceed on one count of alleged violation of his  
4 Eighth Amendment rights for deliberate medical indifference against Dr. Richard Wulff. (ECF No. 8  
5 at 7) All other defendants were dismissed. (Id.)

6 On January 4, 2023, the Defendant filed his Motion for Summary Judgment. (ECF No. 44)  
7 Plaintiff filed his Opposition to the Motion on February 1, 2023. (ECF No. 53). Counsel for the  
8 Defense is scheduled to be in a Jury Trial in front of the Honorable Christine Silva on February 28,  
9 2023, in the matter of *Reed v. Dzurenda*, USDC 2:19-cv-00326-CDS-NJK. That trial will be in Las  
10 Vegas. Due to the trial, and preparation therefore, both in Reno and Las Vegas, the Defendant requests  
11 this Court for an extension of time to file the reply. Additionally, at this time, Counsel is involved in  
12 the post-trial motions from his last Jury trial, which are due shortly. Finally, Counsel must be in Las  
13 Vegas next week for a settlement conference on a significant wrongful death case. With preparations  
14 for these matters, Counsel requests additional time to file the reply in this matter.

15 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

16 When an act may or must be done within a specified time, the court may,  
17 for good cause, extend the time: (A) with or without motion or notice if  
18 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

19  
20 Defendant's request is timely and will not hinder or prejudice Plaintiff's case but will allow for  
21 a thorough opportunity to review the case through Summary Judgment. The requested extension of  
22 time should permit the Defendant to file a well-researched and proper Reply to Plaintiff's Opposition to  
23 Motion for Summary Judgment in this case. Therefore, the Defendant requests a short extension of  
24 time. Defense is scheduled to be in a Jury Trial in front of the Honorable Christine Silva on February  
25 28, 2023, in the matter of *Reed v. Dzurenda*, USDC 2:19-cv-00326-CDS-NJK. This matter has been  
26 well briefed to this point. In light of this, the Defendant would request an opportunity to brief a reply.  
27 With the trial, and the other matters, Defendant requests an additional 30 days to file the reply.

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## II. CONCLUSION

Defendant asserts that the requisite good cause and extenuating circumstance is present to warrant the requested extension of time. Therefore, the Defendant requests a 30-day extension, until **March 17, 2023**, to file His Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment.

DATED this 14th of February 2023.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General

*Attorneys for Defendant*

IT IS SO ORDERED.

DATED: February 14, 2023.

CSO  
UNITED STATES MAGISTRATE JUDGE